

RMC Sections Pertaining to Tree Retention

4-4-070 LANDSCAPING:

A PURPOSE AND INTENT:

The purpose of these landscape requirements is to establish consistent and comprehensive landscape provisions to preserve and enhance the landscape character of the City; to improve the aesthetic quality of the built environment; to minimize erosion and reduce the impacts of development on natural areas within the City and on storm drainage systems and water resources in particular; to provide shade, reduce noise and glare, and establish a healthier environment; to provide transitions between various land uses; to increase privacy and protection from visual or physical intrusion, and to maintain and protect property values, and generally enhance the overall image and appearance of the City and quality of life for its citizens.

It is not the intent of these regulations that rigid and inflexible design standards be imposed, but rather that minimum standards be set. It is expected that accepted horticultural practices and landscape architectural principles will be applied by design professionals.

B APPLICABILITY:

1. The requirements of this Section shall apply to:
 - a. All subdivision including short plats;
 - b. All new buildings;
 - c. Conversion of vacant land (e.g., to parking or storage lots); and
 - d. Additions to existing buildings that exceed fifty thousand dollars (\$50,000.00) in value.
2. Exemptions: Single family residential building permits, when not a part of a subdivision, are exempt from all but the maintenance provisions of these requirements. In single family residential subdivisions, those yards not abutting a public or private street are exempt from landscape regulations.

C PLANS REQUIRED:

Conceptual and detailed landscaping plans are required for all non-exempt development. Specific submittal requirements shall be as indicated in RMC 4-8-120, Submittal Requirements. The conceptual plans must be submitted prior to any land use action approval and detailed landscape plans must be approved prior to issuance of a building permit.

D GENERAL LANDSCAPE REQUIREMENTS:

1. Street Frontage Landscaping Required: On-site landscaping is generally required along all street frontages, with the exception of areas of pedestrian walkways and driveways.
2. Pervious Areas to Be Landscaped: Pervious areas, with the exception of critical areas, shall have landscape treatment as appropriate. Landscaping may include hardscape such as decorative paving, rock outcroppings, fountains, plant containers, etc.
3. Residential Rear/Side Yard/Landscaping Along Streets: When rear or side yards are along property lines abutting a street, there shall be a minimum five-foot (5') planting area in the public right-of-way. This will necessitate setting any future fencing back from the edge of the right-of-way so that the landscaping is visible from the street. Landscaping is required prior to occupancy. Maintenance of such areas shall be the responsibility of the property owner(s). The maintenance requirement may necessitate provision of a gate in the fence to access the planting area.

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4. Compliance with Zone Standards Required: See specific zone requirements listed in chapter 4-2 RMC.
5. Parking Lot Landscaping Requirements: Parking lot landscaping requirements are listed in RMC 4-4-080F7.
6. (Rep. by Ord. 5153, 9-26-2005)
7. Use of Existing Plant Material: Existing trees and other vegetation on the site of a proposed development shall be used to augment new plantings where practical if the quality is equal to or better than available nursery stock.
 - a. Existing Trees: When a survey of existing trees is required (see RMC 4-8-120, Submittal Requirements), the survey or inventory of trees shall include the name, size, and location of all trees greater than six inches (6") in diameter at four feet (4') above ground elevation. The boundaries and predominant species of stands of trees consisting of five (5) or more trees six inches (6") in diameter at four feet (4') above ground elevation shall be indicated thereon.
 - b. Trees to Be Retained: Trees existing on a development site that are to be retained shall be indicated on the clearing and grading plan, conceptual landscape plan, and on the detailed landscape plan. Such trees shall have the approximate drip line shown. The grading and clearing plan shall indicate methods of tree protection during construction for all trees to be retained. If grade changes appear necessary, the method of reconciling the finished elevation within the drip line shall be included.
8. Use of Drought-Resistant Plants: Incorporation of drought-resistant plants into the landscape is encouraged.
9. Avoidance of Hazards: All landscaping shall be planned in consideration of the public health, safety, and welfare.
 - a. Landscaping shall not intrude within the clear vision area at driveways and street intersections.
 - b. Trees planted near overhead power lines shall be species that will not eventually interfere with such lines.
 - c. Landscaping shall not obscure fire hydrants or access for emergency-response vehicles.
 - d. Avoid planting trees that may damage sidewalks.
10. Preservation of Unique Features: If practicable, unique features within the site shall be preserved and incorporated into the site development design (such as significant vegetation and rock outcroppings).
11. Green River Valley Landscaping Requirements: Any development in the Green River Valley shall provide a minimum of two percent (2%) of the total site for landscaping suitable for wildlife habitat. These areas should not be dispersed throughout a site, but should be aggregated in one portion of the property. Where possible, the required two percent (2%) landscaping for adjacent properties should be contiguous. This landscaping is in addition to any other landscaping requirements by this Section or any other regulation. A drainage swale, planted with vegetation suitable for habitat, may be counted toward the two percent (2%) additional landscape requirement if the Reviewing Official determines that the proposed planting plan and swale design will function to meet the intent of these regulations, including, but not limited to, that the facility slope and fencing design would not inhibit wildlife use. The following map depicts the boundaries of this area:

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12. Slopes: Stripping of vegetative slopes where harmful erosion and run-off will occur shall be avoided. The faces of cut and fill slopes shall be developed and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed within thirty (30) days of grading completion and prior to a request for final project approval. Where slopes are not subject to erosion due to the erosion-resistant character of the materials such protection may be omitted with the permission of the Public Works Department, provided that this protection is not required by the rehabilitation plan.

13. Erosion Control Devices: Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and sediment, provide safety and control the rate of water run-off.

14. Permanent Underground Irrigation System Required:

a. Underground irrigation systems shall be installed and maintained in good working order in all landscaped areas of industrial, commercial, and multi-family development, and landscaped common areas in single family subdivisions.

b. The irrigation system shall provide full water coverage of the planted areas as specified in the plan.

c. The irrigation system maintenance program shall include scheduled procedures for winterization.

d. Exceptions: Landscape plans featuring one hundred percent (100%) drought tolerant plants or landscaping already established without irrigation systems are exempt from installation of permanent irrigation system, but drought tolerant proposals must provide supplemental moisture by means of a City-approved temporary irrigation system for a period not less than two (2) years. The applicant must provide a maintenance security device for a period of three (3) years from the date of approval of landscape installation to ensure survival of plants.

E SPECIFIC LANDSCAPE REQUIREMENTS:

1. Trees: Street trees, conforming to City of Renton recommendations, are required when projects front public streets.

a. Street trees may be planted in the public right-of-way or on private property.

b. Where tree branches might interfere with pedestrians or vehicles in the right-of-way, trees should have a clear area of eight feet (8') above the ground for pedestrian paths and bicycle lanes and fifteen feet (15') above streets.

c. Removal, severe pruning (not meeting tree care standards of the American National Standards Institute), or topping (severing the main stem) of any street tree within the City of Renton is prohibited without authorization from the Development Services Division of the Planning/Building/Public Works Department.

d. The responsibility for on-going maintenance or replacement of damaged trees is with the property owner, or in the case of off-site landscaping for plats, responsibility lies with the homeowner's association. Routine maintenance procedures do not require prior authorization by the City.

e. Authorized pruning and routine maintenance of trees shall meet the American National Standards Institute (ANSI) tree care standards (ANSI Z133.1 and A300).

2. Soil: Soil shall be prepared for landscape installation according to industry standards to be conducive to the healthy growth of new plants.

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- a. Topsoil, original to the site and if suitable for planting areas, may be stored during site construction for reuse during the landscape installation phase.
- b. Topsoil shall be rich in organic material or amended to be so.
- c. Clay soil is not acceptable and must be removed from landscape areas if naturally present on the site.
- d. In residential development projects where rear yard setbacks between a rear fence and primary structure are not landscaped by the developer, soil in those areas must consist of topsoil viable for plant growth and be in suitable condition for landscaping prior to occupancy.
- e. Construction debris must be removed and not buried on site.
3. Drainage: All landscape areas shall have adequate drainage, either through natural percolation or by means of an installed drainage system.
4. Plants: All plants specified shall be adapted to the site (sun exposure, cold hardiness, moisture requirements, soil type, soil pH, etc.). In addition:
 - a. All plant material shall meet the most recent American Association of Nurserymen Standards for nursery plant stock (ANSI 260.1).
 - b. Wetland plant material shall be either specified by a Certified Wetland Biologist, or selected from the City of Renton Wetland Plant Replacement List [approval pending].
 - c. Caution should be used so as to avoid introducing highly invasive plants into the City landscape.
5. Berms: When berms are incorporated into the landscape design, they shall not exceed slopes of 3:1 for lawn areas or 2:1 for other plant material.

F LANDSCAPE INSTALLATION:

All approved landscaping shall be installed before the issuance of an occupancy permit.

G DEFERRAL OF LANDSCAPE IMPROVEMENTS:

Deferral of landscape installation, due to seasonal planting difficulties or to the fact that the project is impacted by a pending public works project, may be requested pursuant to RMC 4-9-060, Deferral of Improvement Installation Procedures.

H AMENDED LANDSCAPING PLAN:

1. Modification of Landscape Plans: In the event there are significant physical elements that are discovered after preliminary plan approval that may prevent installation of the landscaping as proposed, the landscape plan may be modified upon request to the Development Services Director. Such request must be accompanied by the following:
 - a. Copy of original, approved landscape plan.
 - b. An amendment plan meeting requirements of RMC 4-8-120D12, Landscape Plan, detailed.
 - c. Narrative describing and justifying proposed changes.
2. Acceptability of Requested Modifications: The plans may be approved, denied or returned to the applicant with suggestions for changes that would make them acceptable.
3. Failure of Plan to Meet Intent: The Development Services Director may initiate revisions to an approved landscape plan, prior to release of an assurance device, if the installed landscaping has failed to meet the intent of City landscape requirements.

I PERFORMANCE SURETY DEVICE:

1. If landscaping is not installed prior to occupancy, a performance surety device, such as a landscape bond, shall be required prior to obtaining a temporary occupancy permit. Such device shall be valid for a period of one hundred twenty (120) days and in

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sufficient amount equal to the cost of one hundred twenty five percent (125%) of the landscape value as installed, to ensure required landscape standards have been met.

2. The Development Services Director may request that the applicant or owner submit a current estimate of cost, or may request competitive bids to be obtained prior to accepting a performance assurance device.

J MAINTENANCE:

1. Maintenance Surety Device: A surety device shall be required, prior to obtaining an occupancy permit, for a period of not less than three (3) years and in sufficient amount, not less than fifteen percent (15%) of the value of the landscaping, installed, to ensure required landscaping is maintained until established (estimated to be three years).

2. Maintenance Required: Landscaping required by this Section shall be maintained by the owner and/or occupant and shall be subject to periodic inspection by the Development Services Division. Plantings are to be maintained in a healthy, growing condition and those dead or dying shall be replaced. Property owners shall keep the planting areas reasonably free of weeds and litter.

3. Failure to Maintain Landscaping: The Development Services Division Director is authorized to notify the owner and/or agent that any installed landscaping as required by the Development Services Division is not being adequately maintained and the specific nature of the failure to maintain. The Development Services Division shall send the property owner or agent written notice, specifying what corrections shall be made.

K DAMAGED LANDSCAPING:

Upon request of the City, any landscaping required by City regulations that is damaged must be replaced with like or better landscaping as determined by the Development Services Director. See also "Specific Landscape Requirements, Trees" herein. (Ord. 3718, 3-28-1983; Ord. 4832, 3-6-2000; Ord. 4856, 8-21-2000; Amd. Ord. 4963, 5-13-2002; Ord. 5100, 11-1-2004)

4-4-130 TREE CUTTING AND LAND CLEARING REGULATIONS:

A PURPOSE:

This Section provides regulations for the clearing of land and the protection and preservation of trees and associated significant vegetation. The purposes of these regulations are to:

1. Preserve and enhance the City's physical and aesthetic character by minimizing indiscriminate removal or destruction of trees and ground cover;
2. Implement and further the goals and policies of the City's Comprehensive Plan for the environment, open space, wildlife habitat, vegetation, resources, surface drainage, watersheds, and economics;
3. Promote building and site planning practices that are consistent with the City's natural topographical and vegetative features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;
4. Ensure prompt development, restoration and replanting, and effective erosion control of property during and after land clearing;

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5. Promote land development practices that result in minimal adverse disturbance to existing vegetation and soils within the City;
6. Minimize surface water and groundwater runoff and diversion, and aid in the stabilization of soil, and to minimize erosion and sedimentation, and minimize the need for additional storm drainage facilities caused by the destabilization of soils;
7. Retain clusters of trees for the abatement of noise and for wind protection; and
8. Recognize that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide. (Ord. 5137, 4-25-2005)

B APPLICABILITY:

The regulations of this Section apply to any developed, partially developed or undeveloped property where land development or routine vegetation management activities are undertaken. (Ord. 5137, 4-25-2005)

C ALLOWABLE TREE CUTTING ACTIVITIES:

Tree cutting and associated use of mechanical equipment is permitted as follows, except as provided in subsection D2 of this Section, Restrictions for Critical Areas, and in RMC 4-3-110E5b, Urban Separator Overlay Regulations.

1. Emergency Situations: Removal of trees and/or ground cover by the City and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.
2. Dead, Dangerous, or Diseased Trees: Removal of dead, terminally diseased, damaged, or dangerous ground cover or trees which have been certified as such by a forester, registered landscape architect, or certified arborist, selection of whom to be approved by the City based on the type of information required, or the removal of which is approved by the City.
3. Maintenance Activities/Essential Tree Removal – Public or Private Utilities, Roads and Public Parks: Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way and easements, and public parks.
4. Installation of SEPA Exempt Public or Private Utilities: Installation of distribution lines by public and private utilities; provided, that such activities are categorically exempt from the provisions of the State Environmental Policy Act and RMC 4-9-070, Environmental Review Procedures.
5. Existing and Ongoing Agricultural Activities: Clearing associated with existing and ongoing agricultural activities as defined in chapter 4-11 RMC, Definitions.
6. Commercial Nurseries or Tree Farms: Clearing or cutting of only those trees which are planted and growing on the premises of a licensed retailer or wholesaler.
7. Public Road Expansion: Expansion of public roads, unless critical areas would be affected, in which case see subsections C12 and C13 of this Section.
8. Site Investigative Work: Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities including the use of mechanical equipment to perform site investigative work provided the work is conducted in accordance with the following requirements:
 - a. Investigative work should not disturb any more than five percent (5%) of any protected sensitive area described in subsection D2 of this Section, Restrictions for

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Critical Areas, on the subject property. In every case impacts shall be minimized and disturbed areas restored.

b. In every location where site investigative work is conducted, disturbed areas shall be minimized, and immediately restored.

c. A notice shall be posted on the site by the property owner or owner's agent indicating that site investigative work is being conducted, and that the work must minimize disturbance to the critical areas identified in subsection D2 of this Section, Restrictions for Critical Areas.

d. No site investigative work shall commence without first notifying the Director or his or her designee in advance.

9. Allowable Minor Tree Cutting Activities: Tree cutting and associated use of mechanical equipment is permitted as follows, except as provided in subsection D2 of this Section, Restrictions for Critical Areas:

a. On a developed lot or on a partially developed lot less than one-half (1/2) of an acre, any number of trees may be removed;

b. On a partially developed lot greater than one-half (1/2) of an acre or on an undeveloped lot; provided, that:

i. No more than three (3) trees are removed in any twelve (12) month period from a property under thirty five thousand (35,000) square feet in size; and

ii. No more than six (6) trees are removed in any twelve (12) month period from a property thirty five thousand (35,000) square feet and greater in size.

iii. Rights-of-Way Unobstructed: In conducting minor tree cutting activities, rights-of-way shall not be obstructed.

10. Landscaping or Gardening Permitted: Land clearing in conformance with the provisions of subsection C9 of this Section, Allowable Minor Tree Cutting Activities, and subsection D2, Restrictions for Critical Areas, is permitted on a developed lot for purposes of landscaping or gardening. Land clearing in conformance with the provisions of subsection C9, Allowable Minor Tree Cutting Activities, and subsection D2 of this Section, Restrictions for Critical Areas, is permitted on a partially developed or undeveloped lot for purposes of landscaping or gardening; provided, that no mechanical equipment is used.

11. Operational Mining/Quarrying: Land clearing and tree cutting associated with previously approved, operational mining and quarrying activities.

12. Modification of Existing Utilities and Streets (not otherwise exempted by RMC 4-3-050C7) by Ten Percent (10%) or Less: See RMC 4-3-050C for conditions.

13. Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements: Within existing improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding, or alteration of all natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Where applicable, restoration of disturbed areas shall be completed. (Ord. 4851, 8-27-2000; Ord. 5132, 4-4-2005; Ord. 5137, 4-25-2005)

D PROHIBITED ACTIVITIES:

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1. Prohibited Activities: There shall be no tree cutting or land clearing on any site for the sake of preparing that site for future development unless a land development permit for the site has been approved by the City.
2. Restrictions for Critical Areas – General: Unless exempted by critical areas, RMC 4-3-050C5 or Shoreline Master Program regulations, RMC 4-3-090, no tree cutting, or land clearing, or groundcover management is permitted:
 - a. On portions of property with protected critical habitats, per RMC 4-3-050K; streams and lakes, per RMC 4-3-050L; Shorelines of the State, per RMC 4-3-090, Renton Shoreline Master Program Regulations; and wetlands, per RMC 4-3-050M; and their associated buffers;
 - b. On protected slopes except as allowed in this Section or in the Critical Areas Regulation, RMC 4-3-050; or
 - c. Areas classified as very high landslide hazards, except as allowed in this Section or in the Critical Areas Regulations, RMC 4-3-050.Buffer requirements shall be consistent with the critical area regulations. Tree cutting or land clearing shall be consistent with established native growth protection area requirements of RMC 4-3-050E4.
3. Restrictions for Native Growth Protection Areas: Tree cutting or land clearing shall be consistent with established native growth protection area requirements of RMC 4-3-050E4. (Ord. 5137, 4-25-2005)

E AUTHORITY AND INTERPRETATION:

The City's Development Services Division Director, or his duly authorized representative, is hereby authorized and directed to interpret and enforce all the provisions of this Section. (Ord. 5137, 4-25-2005)

F PERMITS REQUIRED:

1. Land Development Permit: An approved land development permit is required in order to conduct tree cutting or land clearing on any site for the sake of preparing that site for future development.
2. Permit Required for Routine Vegetation Management on Undeveloped Properties: Any person who performs routine vegetation management on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.
3. Permit Required to Use Mechanical Equipment: Except where use of mechanical equipment is specifically listed as exempt, any person who uses mechanical equipment for routine vegetation management, land clearing, tree cutting, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.
4. Timber Stand Maintenance – Conditional Use Permit Required: While timber harvesting shall not be permitted until such time as a valid land development is approved, a request may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand. Permits allowing maintenance and thinning beyond the limits allowed in subsections subsection C9 of this Section, Allowable Minor Tree Cutting Activities, shall be considered as a conditional use permit by the Hearing Examiner according to the following criteria in lieu of standard conditional use permit criteria:

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- a. Appropriate approvals have been sought and obtained with the State Department of Natural Resources; and
- b. The activity shall improve the health and growth of the stand and maintain long-term alternatives for preservation of trees; and
- c. The activity shall meet the provisions of subsections H2, Applicability, Performance Standards and Alternates, and H3, General Review Criteria, of this Section; and
- d. Thinning activities shall be limited to less than forty percent (40%) of the volume and trees.

5. Tree Cutting – Solar Access or Pasture Land: A routine vegetation management permit is required for tree cutting in greater amounts than specified under partially exempt actions in subsection C9 of this Section, Allowable Minor Tree Cutting Activities, for any property where tree cutting is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree cutting only in the following cases:

- a. For purposes of allowing solar access to existing structures; or
- b. To create pasture land where agricultural activities are permitted uses in the zone. Any tree cutting activities shall be the minimum necessary to accomplish the purpose, and shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas. (Ord. 5137, 4-25-2005)

G ROUTINE VEGETATION MANAGEMENT PERMIT REVIEW PROCESS:
Permits for routine vegetation management shall be processed consistent with RMC 4-9-195, Routine Vegetation Management Permits. (Amd. Ord. 4963, 5-13-2002; Ord. 5137, 4-25-2005)

H PERFORMANCE STANDARDS FOR LAND DEVELOPMENT/BUILDING PERMITS:

1. Plan Required: When a development permit is submitted to the City it shall be accompanied by a tree cutting and land clearing plan. Where it is not practicable to retain all trees on site due to a proposed development, the plan shall identify those trees which are proposed for removal. Where the drip line of a tree overlaps an area where construction activities will occur, this shall be indicated on the plan. Trees shall be shown on the plan as follows:

- a. For allowed activities, including allowed exemptions, modifications, and variances, show all trees proposed to be cut in priority tree retention areas: slopes twenty five percent (25%) to thirty nine percent (39%), high or very high landslide areas, and high erosion hazard areas.
- b. Show trees to be cut in protected critical areas: wetlands, Shorelines of the State, streams and lakes, floodways, floodplain slopes forty percent (40%) or greater, very high landslide hazard areas, and critical habitat if the activity is exempt or allowed by the critical areas regulations in RMC 4-3-050C5, Specific Exemptions.
- c. Show all trees to be retained in critical area buffers.
- d. Show trees proposed to be cut within required zoning setbacks along perimeter of development.
- e. In all other areas of the site, trees to be cut may be indicated generally with clearing limit lines. (Amd. Ord. 4963, 5-13-2002; Ord. 5137, 4-25-2005)

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2. Applicability, Performance Standards and Alternates: All land clearing and tree cutting activities shall conform to the criteria and performance standards set forth in this Section unless otherwise recommended in an approved soil engineering, engineering geology, hydrology or forest management plan and where the alternate procedures will be equal to or superior in achieving the policies of this Section. All land clearing and tree cutting activities may be conditioned to ensure that the standards, criteria, and purpose of this Section are met.
3. General Review Criteria: All land clearing and tree cutting activities shall meet the following criteria:
 - a. The land clearing and tree cutting will not create or significantly contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction.
 - b. The land clearing and tree cutting will not create or significantly contribute to flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.
 - c. Land clearing and tree cutting will be conducted to maintain or provide visual screening and buffering between land uses of differing intensity, consistent with applicable landscaping and setback provisions of the Renton Municipal Code.
 - d. Land clearing and tree cutting shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with an approved build-out schedule and including any necessary erosion control measures.
 - e. Land clearing and tree cutting shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas, and RMC 4-3-050, Critical Areas Regulations.
4. Tree Preservation: Trees shall be maintained to the maximum extent feasible on the property where they are growing.
 - a. Ability to Condition Plan: The City may require a modification of the land clearing and tree cutting plan or the associated land development plan to ensure the retention of the maximum number of trees.
 - b. Clearing – Conditions of Approval: The Department Administrator or designee may condition a proposal to restrict clearing outside of building sites, rights-of-way, utility lines and easements, to require sequencing and phasing of construction, or other measures, consistent with the permitted density and intensity of the zone.
5. Timing: The City may restrict the timing of the land clearing and tree cutting activities to specific dates and/or seasons when such restrictions are necessary for the public health, safety and welfare, or for the protection of the environment.
6. Restrictions for Critical Areas: See subsection D2 of this Section, Restrictions for Critical Areas – General, and RMC 4-3-050, Critical Areas Regulations.
7. Tree/Ground Cover Retention: The following measures may be used by the Department Administrator or designee in conditioning a land development permit or building permit proposal per subsection H4 of this Section, Tree Preservation, to comply with the general review criteria of subsection H3.
 - a. Trees shall be maintained to the maximum extent feasible on the property where they are growing.
 - b. The City may require and/or allow the applicant to relocate or replace trees, provide interim erosion control, hydroseed exposed soils, or other similar conditions which would implement the intent of this Section.

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- c. Priority shall be given to retention of trees on sensitive slopes and on lands classified as having high or very high landslide hazards, or high erosion hazards as classified in the critical areas regulations.
- d. Where feasible, trees that shelter interior trees or trees on abutting properties from strong winds that could otherwise cause them to blow down should be retained.
- e. Except in critical areas unless enhancement activities are being performed, the removal of trees on the following list should be allowed in order to avoid invasive root systems, weak wood prone to breakage, or varieties which tend to harbor insect pests:
 - i. All *Populus* species including cottonwood (*Populus trichocarpa*), quaking aspen (*Populus tremuloides*), lombardy poplar (*Populus nigra* "Italica"), etc.
 - ii. All *Alnus* species which includes red alder (*Alnus oregona*), black alder (*Alnus glutinosa*), white alder (*Alnus rhombifolia*), etc.
 - iii. *Salix* species which includes weeping willow (*Salix babylonica*), etc., unless along a stream bank and away from paved areas.
 - iv. All *Platanus* species which include London plane tree (*Platanus acerifolia*), American sycamore, buttonwood (*Platanus occidentalis*), etc.
- 8. Protection Measures During Construction:
 - a. Tree Protection Measures: Protection measures in subsections H8b(i) through H8b(vi) of this Section shall apply for all trees which are to be retained in areas immediately subject to construction. These requirements may be waived pursuant to RMC 4-9-250D, Modification Procedures, individually or severally by the City if the developer demonstrates them to be inapplicable to the specific on-site conditions or if the intent of the regulations will be implemented by another means with the same result.
 - b. Drip Line: All of the following tree protection measures shall apply:
 - i. The applicant may not fill, excavate, stack or store any equipment, or compact the earth in any way within the area defined by the drip line of any tree to be retained.
 - ii. The applicant shall erect and maintain rope barriers, temporary construction fencing, or place bales of hay on the drip line to protect roots. In addition, the applicant shall provide supervision whenever equipment or trucks are moving near trees.
 - iii. If the grade level adjoining to a tree to be retained is to be raised, the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the tree's drip line.
 - iv. The applicant may not install impervious surface material within the area defined by the drip line of any tree to be retained.
 - v. The grade level around any tree to be retained may not be lowered within the greater of the following areas: (1) the area defined by the drip line of the tree, or (2) an area around the tree equal to one foot in diameter for each one inch of tree caliper.
 - vi. The applicant shall retain a qualified professional to prune branches and roots, fertilize, and water as appropriate for any trees and ground cover which are to be retained. (Ord. 5137, 4-25-2005)

I VARIANCE PROCEDURES:

The Hearing Examiner shall have the authority to grant variances from the provisions of this Section pursuant to RMC 4-8-070H and RMC 4-9-250. (Ord. 5137, 4-25-2005)

J VIOLATIONS AND PENALTIES:

- 1. Penalties: Penalties for any violation of any of the provisions of this Section shall be in accord with RMC 1-3-2. In a prosecution under this Section, each tree removed,

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damaged or destroyed will constitute a separate violation, and the monetary penalty for each violated tree shall be no less than the minimum penalty, and no greater than the maximum penalty of RMC 1-3-2E.

2. Additional Liability for Damage: In addition, any person who violates any provision of this Section or of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.

3. Restoration Required: The City may require replacement of all improperly removed ground cover with species similar to those which were removed or other approved species such that the biological and habitat values will be replaced. Restoration shall include installation and maintenance of interim and emergency erosion control measures that shall be required as determined by the City.

4. Replacement Required: The City may require, for each tree that was improperly cut and/or removed, replacement planting of a tree of equal size, quality and species or up to three (3) trees of the same species in the immediate vicinity of the tree(s) that was removed. The replacement trees will be of sufficient caliper to adequately replace the lost tree(s) or a minimum of three inches (3") in caliper.

5. Stop Work: For any parcel on which trees and/or ground cover are improperly removed and subject to penalties under this Section, the City shall stop work on any existing permits and halt the issuance of any or all future permits or approvals until the property is fully restored in compliance with this Section and all penalties are paid. (Ord. 4219, 6-5-1989; Amd. Ord. 4835, 3-27-2000; Ord. 5137, 4-25-2005)

4-8-120 SUBMITTAL REQUIREMENTS- SPECIFIC TO APPLICATION TYPE D. DEFINITIONS OF TERMS USED IN SUBMITTAL REQUIREMENTS

12. Definitions L:

Landscape Plan, Conceptual: A fully dimensioned plan, prepared by a landscape architect registered in the State of Washington, a certified nurseryman, or other similarly qualified professional, drawn at the same scale as the project site plan (or other scale approved by the Reviewing Official), clearly indicating the following:

- a. Date, graphic scale, and north arrow,
- b. Location of proposed buildings, parking areas, access and existing buildings to remain,
- c. Names and locations of abutting streets and public improvements, including easements,
- d. Existing and proposed contours at five foot (5 ') intervals or less,
- e. Location and size of planting areas,
- f. Location and height for proposed berming,
- g. Location and elevations for any proposed landscape-related structures such as arbors, gazebos, fencing, etc., and
- h. Location, size, spacing and names of existing and proposed shrubs, trees, ground covers, and decorative rockery or like landscape improvements in relationship to proposed and existing utilities. (Ord. 5100, 11-1-2004)

Landscape Plan, Detailed: A fully dimensioned plan, prepared by a landscape architect registered in the State of Washington, a certified nurseryman, or other similarly qualified

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professional, drawn at the same scale as the project site plan (or other scale approved by the Reviewing Official), clearly indicating the following:

- a. Date, graphic scale, and north arrow,
 - b. Location of proposed buildings, property lines, walks, parking areas, and access, and existing buildings to remain,
 - c. Names and locations of abutting streets and public improvements, including easements,
 - d. Existing and proposed contours at five-foot (5 ') intervals or less,
 - e. Detailed grading plan,
 - f. Location and dimensions of planting areas (the width of a landscaping area when curbed shall be measured from inside to inside of the curbs),
 - g. Location and height for proposed berming,
 - h. Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc.,
 - i. Location, size, spacing and names of existing and proposed shrubs, trees, ground covers, and decorative rockery or like landscape improvements in relationship to proposed and existing utilities,
 - j. Names of existing and proposed vegetation, and
 - k. Detailed planting plan (soil mix, planting depth and width, and bark mulch depth).
- (Ord. 5100, 11-1-2004)

Lease Agreement, Draft: A draft lease agreement with the landholder, or separate equivalent documentation that:

- a. Allows the landholder to enter into leases with other providers; and
- b. Specifies that if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.

20. Definitions T:

Tree Cutting/Land Clearing (Tree Inventory) Plan: A plan, based on finished grade, drawn to scale with the northern property line at the top of the paper clearly showing the following:

- a. All property boundaries and adjacent streets,
- b. Location of all areas proposed to be cleared,
- c. Types and sizes of vegetation to be removed, altered or retained. This requirement applies only to trees, six inch (6 ") caliper, "at chest level" and larger,
- d. Future building sites and drip lines of any trees which will overhang/overlap a construction line, and
- e. Location and dimensions of rights-of-way, utility lines, and easements.

4-9-195 ROUTINE VEGETATION MANAGEMENT PERMITS:

A PURPOSE:

This Section provides a permit process for routine vegetation management implementing the tree cutting and land clearing regulations in RMC 4-4-130.

B AUTHORITY:

The City's Development Services Division Director, or his duly authorized representative, is hereby authorized and directed to interpret and enforce all the provisions of this Section.

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C APPLICABILITY, EXEMPTIONS, AND PROHIBITED ACTIVITIES:

1. General Applicability: The regulations of this Section apply to any developed, partially developed or undeveloped property where routine vegetation management activities are undertaken.
 - a. Permit Required for Routine Vegetation Management on Undeveloped Properties: Any person who performs routine vegetation management on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.
 - b. Permit Required to Use Mechanical Equipment: Except where use of mechanical equipment is specifically listed as exempt, any person who uses mechanical equipment for routine vegetation management, land clearing, tree cutting, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.
 - c. Tree Cutting – Solar Access or Pasture Land: A routine vegetation management permit is required for tree cutting in greater amounts than specified under partially exempt actions in RMC 4-4-130C2, Allowable Tree Cutting Activities, for any property where tree cutting is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree cutting only in the following cases:
 - i. For purposes of allowing solar access to existing structures; or
 - ii. To create pasture land where agricultural activities are permitted uses in the zone.
2. Exemptions: Refer to RMC 4-4-130C.
3. Prohibited Activities: Refer to RMC 4-4-130D.

D PROCEDURES AND REVIEW CRITERIA:

Permits for routine vegetation management shall be processed as follows:

1. Submittal: An application for a routine vegetation management permit shall be submitted to the Development Services Division together with any necessary fees as required in chapter 4-1 RMC.
2. Information Required: A routine vegetation management permit application shall contain the information requested in RMC 4-8-120, Submittal Requirements – Specific to Application Type.
3. Time: The permit shall be reviewed administratively within a reasonable period of time.
4. Routine Vegetation Management Permit Conditions: The routine vegetation management permit may be denied or conditioned by the City to restrict the timing and extent of activities in order to further the intent of this Section including:
 - a. Preserve and enhance the City's aesthetic character and maintain visual screening and buffering.
 - b. Preserve habitat to the greatest extent feasible.
 - c. Prevent landslides, accelerated soil creep, settlement and subsidence hazards.
 - d. Minimize the potential for flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.

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e. Ensure that the proposal will be consistent with RMC 4-4-130D2, Restrictions for Critical Areas, and D3, Restrictions for Critical Areas – Routine Vegetation Management Permits.

5. Time Limits for Routine Vegetation Management Permits: Any permit for routine vegetation management shall be valid for one year from the date of issuance. An extension may be granted by the Development Services Division for a period of one year upon application by the property owner or manager. Application for such an extension must be made at least thirty (30) days in advance of the expiration of the original permit and shall include a statement of justification for the extension.

E APPEALS:

Appeal of the decision to grant, grant with conditions, or deny a routine vegetation management permit shall be made consistent with RMC 4-8-110, Appeals.

F VIOLATIONS AND PENALTIES:

Unless otherwise specified, violations of this Section are misdemeanors subject to RMC 1-3-1. (Ord. 4963, 5-13-2002; Ord. 5159, 10-17-2005)

4-11-200 DEFINITIONS T:

TREE: Any living woody plant characterized by one main stem or trunk and many branches and having a caliper of six inches (6") or greater, or a multi-stemmed trunk system with a definitely formed crown.

TREE CUTTING: The actual removal of the aboveground plant material of a tree through chemical, manual or mechanical methods.

TREE TRIMMING: The pruning of the tree in order to reduce the canopy of the tree provided that no more than forty percent (40%) of the live crown shall be removed during any pruning.